80 Highland Ave.
Rochester, New York 14620
November 23, 1992

Steven Snow, President
Capital District Lesbian and Gay Community Center
PO Box 131
Albany, New York 12201

Dear Steve:

Thanks for all your help in sending me your affidavit and by-laws. They are now officially part of the record in the Gay Alliance of Genesee Valley's case.

We don't know what the final outcome of the case will be. However, a victory looks extremely promising after the hearing on Thursday. Judge Siracuse decided from the bench that the information the GAGV presented to the administrative appeals board was incomplete because the application form had checked only one "purpose" box rather than three. (The Record actually proves that the information before the appeals board was, in fact, complete, but that conclusion wouldn't have justified what the Judge ended up doing!) Therefore, the Judge ordered that the application should be deemed admitted as of the date it was initially submitted (thereby making it retroactive), and then sent it back to the administrative appeals board for a decision based on the "complete" information, to be made within 30 days.

In making his decision, the Judge specifically stated that despite earlier decisions that might have a restrictive view of "charitable" organizations, in his view, charitable means "people helping people," and based on the information before him, he saw the GAGV as an organization of "people helping people." The Judge also said that the law has to be applied to changing times and circumstances, and that the law itself was an evolving creature that was never static. Finally, he pointed to President-elect Clinton's announcement about gays in the military as an example of changing society and changing law.

In short, the Judge has given the City a way to save face, by letting it say that it didn't have all the correct information before it earlier, but now that it does, it can see that the GAGV is entitled to a property tax exemption.

While it would have been fun to have received a written decision saying that the GAGV's constitutional rights were violated, getting a victory this way is just as helpful. And if the City decides to be stubborn, we may receive our decision yet, although frankly, it's a lot of work and I'll be just as happy if we don't end up in court again!

Anyway, I know the GAGV is as grateful to you as I am in coming through on behalf of a fellow organization at the last minute when we needed your help. If there's ever anything we can do to reciprocate from Rochester, please let us know.

I'll be sure to let you know what happens in 30 days, when the City Assessor issues his new decision. For your information, I've enclosed copies of our briefs and our motion, as well as your affidavit, and a copy of the newspaper article.

Take care, and thanks. And please thank Keith St. Johns as well, and tell him I look forward to meeting him soon. As it turns out, since I spoke with him, I have learned that he is on the NY Iola Legal Services Fellowship Selection Committee that is administered by my office, so I will be meeting him soon when he comes to Rochester! Small world!

Very truly yours,

Ellen M. Yacknin

Enc.